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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003556

SIPDIS

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SUBJECT: ICRC VISITS MEK; PM LEGAL ADVISOR ON MEK LEGAL RIGHTS

REF: A. BAGHDAD 1889
[1](#)B. BAGHDAD 3445
[1](#)C. BAGHDAD 3553

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Classified By: Political Military Minister Counselor Michael H. Corbin
for reasons 1.4 (b) and (d)

[1](#)1. (C) Summary: ICRC officials met with EmbOffs on November 4 to discuss their second visit to Camp Ashraf, during which they noted the Mujahedin el-Khalq (MEK) members' desperation over the impending transfer of security authority. The ICRC team delivered letters from family to some members, which they believe will help break the MEK's cult mentality. They discussed the potential defection of one MEK member and urged the USG and GOI to make a plan on how to handle defectors. ICRC asked the Embassy to pressure the GOI to deliver the assurances to the MEK and rescind the June 17 Council of Ministers' statement, which calls for the expulsion of the MEK. EmbOffs relayed the message from the PM's legal advisor, Dr. Fadl, from a meeting earlier that day that it would not be appropriate for the GOI to release confidential diplomatic notes. End Summary.

ICRC VISIT

[1](#)2. (C) ICRC Head of Iraq Delegation Juan Pedro Schaerer and Detention Coordinator Laurent Saugy met with PolOff and Embassy Legal Advisers on November 4 to discuss ICRC's second visit to see the Mujahedin e-Khalq (MEK) residents at Camp Ashraf. Saugy, who headed the ICRC visit, perceived that the MEK are desperate but accept that the transfer will occur. He said the next visit will likely occur around the time of the actual transfer of security authority.

[1](#)3. (C) During this latest visit to Ashraf, the ICRC team brought letters from family members of some of the individuals and told the MEK leaders that ICRC will continue to push family contact since it is one of its traditional actions. Saugy said there was much resistance to and suspicion about the letters from both the leaders and the individuals, and only a few replied to their families. Schaerer said this is typical since they have been deprived of family contact for so long due to the belief of the leaders that family contact could lessen their control of the members. However, Schaerer said with continued contact with family members, it was only a matter of time before the cult mentality breaks, and the leaders lose control of the members.

HOW TO HANDLE DEFECTORS

[1](#)4. (C) During ICRC's visit to Ashraf, a woman approached

the ICRC team and asked to speak privately. She told the team she and her brother wanted to leave the MEK as they feared for their lives. She noted that they had two other siblings in the organization and feared for their safety if they left. The next day, she met with the ICRC team again but only discussed her medical concerns and did not state she wanted to leave. ICRC told Task Force 134 (TF-134) officers that it was TF-134's duty to remove any person wishing to defect as part of the responsibility of giving the MEK a status of "protected persons." TF-134 officers did not remove the woman on the initial day of her request because there is currently no place to house defectors. Saugy said in future cases, the ICRC would escort a defector out only after discussing the issue with the leaders.

15. (C) Saugy said ICRC has no plans to take care of defectors and urged the USG to work with the GOI and institute a plan for housing and caring for defectors of the MEK. EmbOffs assured Saugy that the USG was working with GOI officials, particularly the Minister of Human Rights, to plan for future defectors. The USG will work with the GOI to take care of any defectors pending UNHCR's determination of their refugee status. Schaerer said the ICRC would be involved in this process and can help monitor the defectors and put them in touch with their family members.

16. (C) Regarding repatriation to Iran, Schaerer noted that although Iran has not accepted any former MEK refugees since May, he thinks Iran will allow defectors to return once there have been some cases of defectors, and the GOI and ICRC work with the Iranian Embassy in Baghdad. He added that the Iranian consulates in the KRG will be more helpful than the Embassy in repatriating former MEK members. In his opinion, the Iranian government does not see the MEK as a threat but wants to see an end to the organization.

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ICRC SUGGESTIONS FOR GOI

17. (C) Saugy emphasized that the transfer would be smoother if the GOI shared the assurances with the MEK and rescinded the Council of Ministers' (COM) June 17 statement, or at least removed the statement from the COM's website (ref A). He said the COM statement contradicts the assurances from the GOI on protections for Ashraf residents. Saugy commented, "It is easy for the MEK to play the role as victim" since the COM statement would significantly curtail their rights. If the statement was rescinded, Saugy believes the MEK would have to prepare for the transfer and impending control by the GOI.

PM'S LEGAL ADVISOR ON MEK

18. (C) EmbOffs confirmed that the USG continues to urge the GOI to release the assurances to the MEK but relayed the firm message from the PM's legal advisor, Dr. Fadl, from a meeting earlier that day with Embassy Legal Advisers that it would not be appropriate for the GOI to release publicly the texts of the private official exchange of diplomatic notes between the USG and GOI. However, the GOI will ensure the assurances are upheld, and it knows the international community is watching closely. Dr. Fadl commented on other legal issues, saying the MEK has to comply with Iraqi law and that Ashraf is not a diplomatic enclave. He said that the MEK is a criminal organization in Iraq, and it has no right to engage in military or political activities. He shared UNHCR's position that the members are not entitled to refugee status while they are still part of the organization (ref B). Dr. Fadl suggested that if the MEK stopped "interfering in Iraqi politics," the GOI might take a passive approach to the organization even after the transfer of security authority.

COMMENT

19. (C) Embassy will continue to work with ICRC to encourage it to keep up the high level of involvement in Camp Ashraf it is currently demonstrating, especially with cases of defectors. We will continue to work with the GOI on a plan for how to handle and take care of defectors. We will also continue to push the GOI to provide the MEK orally, if not in writing, with the substance of its humanitarian assurances on Camp Ashraf. (ref C).
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